

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

No. CR 99-0363 MMC

Plaintiff,

**ORDER GRANTING PETITIONS;  
DIRECTIONS TO CLERK; DENYING AS  
MOOT APPLICATIONS TO PROCEED IN  
FORMA PAUPERIS**

v.

ALEXANDER LUSHTAK,

Defendant

Before the Court is a "Petition" and an "Application to Proceed in Forma Pauperis," filed February 10, 2010 by Tatiana Shabanov, and a "Petition" and an "Application to Proceed in Forma Pauperis," filed February 10, 2010 by Diana Shabanov.

On January 30, 2001, Judgment in the above-titled criminal action was entered. In the Judgment, the Court ordered defendant Alexander Lushtak to pay restitution to a number of persons in specific amounts, including an order that he pay Tatyana Shabanov the amount of \$150,000,<sup>1</sup> and an order that he pay Yuri Shabanov the amount of \$22,000. In her petition, Tatiana Shabanov requests that the Court issue an abstract of judgment certifying that a judgment in her favor in the amount of \$150,000 has been entered. In her petition, Diana Shabanov, who states she is the daughter of Yuri Shabanov and that her father died in 2005, seeks issuance of a judgment certifying that a judgment in her favor in

<sup>1</sup>Petitioner states her actual first name is Tatiana, as opposed to "Tatyana."

1 the amount of \$22,000 has been entered.


2 "At the request of a victim named in a restitution order, the clerk of the court shall  
3 issue an abstract of judgment certifying that a judgment has been entered in favor of such  
4 victim in the amount specified in the restitution order." See 18 U.S.C. § 3664(m)(1)(B).<sup>2</sup>

5 Good cause appearing, the petitions are hereby GRANTED, and the Clerk of the  
6 Court is DIRECTED to issue to each petitioner a certified abstract of judgment, specifically,  
7 a certified copy of the Judgment entered January 30, 2001.

8 Further, because no payment is required for issuance of such an abstract of  
9 judgment, petitioners' respective applications to proceed in forma pauperis are DENIED as  
10 moot.

11 **IT IS SO ORDERED.**

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13 Dated: March 29, 2010

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15 MAXINE M. CHESNEY  
16 United States District Judge  
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<sup>2</sup>Where a "victim" is deceased, "another family member" may "assume the victim's  
rights" under an order of restitution. See 18 U.S.C. § 3663A(a)(2).